

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1965
OFFERED BY MR. LAMBORN OF COLORADO

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Federal Lands Jobs
3 and Energy Security Act”.

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Policies regarding buying, building, and working for America.

TITLE I—ONSHORE OIL AND GAS PERMIT STREAMLINING

Sec. 101. Short title.

Subtitle A—Application for Permits to Drill Process Reform

Sec. 111. Permit to drill application timeline.

Sec. 112. Solar and wind right-of-way rental reform.

Subtitle B—Administrative Protest Documentation Reform

Sec. 121. Administrative protest documentation reform.

Subtitle C—Permit Streamlining

Sec. 131. Improve Federal energy permit coordination.

Sec. 132. Administration of current law.

Subtitle D—Judicial Review

Sec. 141. Definitions.

Sec. 142. Exclusive venue for certain civil actions relating to covered energy
projects.

Sec. 143. Timely filing.

Sec. 144. Expedition in hearing and determining the action.

Sec. 145. Standard of review.

- Sec. 146. Limitation on injunction and prospective relief.
Sec. 147. Limitation on attorneys' fees.
Sec. 148. Legal standing.

Subtitle E—Knowing America's Oil and Gas Resources

- Sec. 151. Funding oil and gas resource assessments.

TITLE II—OIL AND GAS LEASING CERTAINTY

- Sec. 201. Short title.
Sec. 202. Minimum acreage requirement for onshore lease sales.
Sec. 203. Leasing certainty.
Sec. 204. Leasing consistency.
Sec. 205. Reduce redundant policies.
Sec. 206. Streamlined congressional notification.

TITLE III—OIL SHALE

- Sec. 301. Short title.
Sec. 302. Effectiveness of oil shale regulations, amendments to resource management plans, and record of decision.
Sec. 303. Oil shale leasing.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Rule of construction.

1 **SEC. 3. POLICIES REGARDING BUYING, BUILDING, AND**
2 **WORKING FOR AMERICA.**

3 (a) CONGRESSIONAL INTENT.—It is the intent of the
4 Congress that—

5 (1) this Act will support a healthy and growing
6 United States domestic energy sector that, in turn,
7 helps to reinvigorate American manufacturing,
8 transportation, and service sectors by employing the
9 vast talents of United States workers to assist in the
10 development of energy from domestic sources;

11 (2) to ensure a robust onshore energy produc-
12 tion industry and ensure that the benefits of devel-
13 opment support local communities, under this Act,
14 the Secretary shall make every effort to promote the

1 development of onshore American energy, and shall
2 take into consideration the socioeconomic impacts,
3 infrastructure requirements, and fiscal stability for
4 local communities located within areas containing
5 onshore energy resources; and

6 (3) the Congress will monitor the deployment of
7 personnel and material onshore to encourage the de-
8 velopment of American manufacturing to enable
9 United States workers to benefit from this Act
10 through good jobs and careers, as well as the estab-
11 lishment of important industrial facilities to support
12 expanded access to American resources.

13 (b) REQUIREMENT.—The Secretary of the Interior
14 shall when possible, and practicable, encourage the use of
15 United States workers and equipment manufactured in
16 the United States in all construction related to mineral
17 resource development under this Act.

18 **TITLE I—ONSHORE OIL AND GAS** 19 **PERMIT STREAMLINING**

20 **SEC. 101. SHORT TITLE.**

21 This title may be cited as the “Streamlining Permit-
22 ting of American Energy Act of 2013”.

1 **Subtitle A—Application for Permits**
2 **to Drill Process Reform**

3 **SEC. 111. PERMIT TO DRILL APPLICATION TIMELINE.**

4 Section 17(p)(2) of the Mineral Leasing Act (30
5 U.S.C. 226(p)(2)) is amended to read as follows:

6 “(2) APPLICATIONS FOR PERMITS TO DRILL RE-
7 FORM AND PROCESS.—

8 “(A) TIMELINE.—The Secretary shall de-
9 cide whether to issue a permit to drill within 30
10 days after receiving an application for the per-
11 mit. The Secretary may extend such period for
12 up to 2 periods of 15 days each, if the Sec-
13 retary has given written notice of the delay to
14 the applicant. The notice shall be in the form
15 of a letter from the Secretary or a designee of
16 the Secretary, and shall include the names and
17 titles of the persons processing the application,
18 the specific reasons for the delay, and a specific
19 date a final decision on the application is ex-
20 pected.

21 “(B) NOTICE OF REASONS FOR DENIAL.—
22 If the application is denied, the Secretary shall
23 provide the applicant—

24 “(i) in writing, clear and comprehen-
25 sive reasons why the application was not

1 accepted and detailed information con-
2 cerning any deficiencies; and

3 “(ii) an opportunity to remedy any de-
4 ficiencies.

5 “(C) APPLICATION DEEMED APPROVED.—

6 If the Secretary has not made a decision on the
7 application by the end of the 60-day period be-
8 ginning on the date the application is received
9 by the Secretary, the application is deemed ap-
10 proved, except in cases in which existing reviews
11 under the National Environmental Policy Act of
12 1969 (42 U.S.C. 4321 et seq.) or Endangered
13 Species Act of 1973 (16 U.S.C. 1531 et seq.)
14 are incomplete.

15 “(D) DENIAL OF PERMIT.—If the Sec-
16 retary decides not to issue a permit to drill in
17 accordance with subparagraph (A), the Sec-
18 retary shall—

19 “(i) provide to the applicant a descrip-
20 tion of the reasons for the denial of the
21 permit;

22 “(ii) allow the applicant to resubmit
23 an application for a permit to drill during
24 the 10-day period beginning on the date

1 the applicant receives the description of
2 the denial from the Secretary; and

3 “(iii) issue or deny any resubmitted
4 application not later than 10 days after the
5 date the application is submitted to the
6 Secretary.

7 “(E) FEE.—

8 “(i) IN GENERAL.—Notwithstanding
9 any other law, the Secretary shall collect a
10 single \$6,500 permit processing fee per ap-
11 plication from each applicant at the time
12 the final decision is made whether to issue
13 a permit under subparagraph (A). This fee
14 shall not apply to any resubmitted applica-
15 tion.

16 “(ii) TREATMENT OF PERMIT PROC-
17 ESSING FEE.—Of all fees collected under
18 this paragraph, 50 percent shall be trans-
19 ferred to the field office where they are col-
20 lected and used to process protests, leases,
21 and permits under this Act subject to ap-
22 propriation.”.

1 **SEC. 112. SOLAR AND WIND RIGHT-OF-WAY RENTAL RE-**
2 **FORM.**

3 (a) IN GENERAL.—Subject to subsection (b), and
4 notwithstanding any other provision of law, of fees col-
5 lected each fiscal year as annual wind energy and solar
6 energy right-of-way authorization fees required under sec-
7 tion 504(g) of the Federal Land Policy and Management
8 Act of 1976 (43 U.S.C. 1764(g))—

9 (1) no less than 25 percent shall be available,
10 subject to appropriation, for use for solar and wind
11 permitting and management activities by Depart-
12 ment of the Interior field offices responsible for the
13 land where the fees were collected;

14 (2) no less than 25 percent shall be available,
15 subject to appropriation, for Bureau of Land Man-
16 agement solar and wind permit approval activities;
17 and

18 (3) no less than 25 percent shall be available,
19 subject to appropriation, to the Secretary of the In-
20 terior for department-wide solar and wind permitting
21 activities.

22 (b) LIMITATION.—The amount used under subsection
23 (a) each fiscal year shall not exceed \$10,000,000.

1 **Subtitle B—Administrative Protest**
2 **Documentation Reform**

3 **SEC. 121. ADMINISTRATIVE PROTEST DOCUMENTATION RE-**
4 **FORM.**

5 Section 17(p) of the Mineral Leasing Act (30 U.S.C.
6 226(p)) is further amended by adding at the end the fol-
7 lowing:

8 “(4) PROTEST FEE.—

9 “(A) IN GENERAL.—The Secretary shall
10 collect a \$5,000 documentation fee to accom-
11 pany each protest for a lease, right of way, or
12 application for permit to drill.

13 “(B) TREATMENT OF FEES.—Of all fees
14 collected under this paragraph, 50 percent shall
15 remain in the field office where they are col-
16 lected and used to process protests subject to
17 appropriation.”.

18 **Subtitle C—Permit Streamlining**

19 **SEC. 131. IMPROVE FEDERAL ENERGY PERMIT COORDINA-**
20 **TION.**

21 (a) ESTABLISHMENT.—The Secretary of the Interior
22 (referred to in this section as the “Secretary”) shall estab-
23 lish a Federal Permit Streamlining Project (referred to
24 in this section as the “Project”) in every Bureau of Land

1 Management field office with responsibility for permitting
2 energy projects on Federal land.

3 (b) MEMORANDUM OF UNDERSTANDING.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of enactment of this Act, the Secretary
6 shall enter into a memorandum of understanding for
7 purposes of this section with—

8 (A) the Secretary of Agriculture;

9 (B) the Administrator of the Environ-
10 mental Protection Agency; and

11 (C) the Chief of the Army Corps of Engi-
12 neers.

13 (2) STATE PARTICIPATION.—The Secretary
14 may request that the Governor of any State with en-
15 ergy projects on Federal lands to be a signatory to
16 the memorandum of understanding.

17 (c) DESIGNATION OF QUALIFIED STAFF.—

18 (1) IN GENERAL.—Not later than 30 days after
19 the date of the signing of the memorandum of un-
20 derstanding under subsection (b), all Federal signa-
21 tory parties shall, if appropriate, assign to each of
22 the Bureau of Land Management field offices an
23 employee who has expertise in the regulatory issues
24 relating to the office in which the employee is em-

1 ployed, including, as applicable, particular expertise
2 in—

3 (A) the consultations and the preparation
4 of biological opinions under section 7 of the En-
5 dangered Species Act of 1973 (16 U.S.C.
6 1536);

7 (B) permits under section 404 of Federal
8 Water Pollution Control Act (33 U.S.C. 1344);

9 (C) regulatory matters under the Clean Air
10 Act (42 U.S.C. 7401 et seq.);

11 (D) planning under the National Forest
12 Management Act of 1976 (16 U.S.C. 472a et
13 seq.); and

14 (E) the preparation of analyses under the
15 National Environmental Policy Act of 1969 (42
16 U.S.C. 4321 et seq.).

17 (2) DUTIES.—Each employee assigned under
18 paragraph (1) shall—

19 (A) not later than 90 days after the date
20 of assignment, report to the Bureau of Land
21 Management Field Managers in the office to
22 which the employee is assigned;

23 (B) be responsible for all issues relating to
24 the energy projects that arise under the au-
25 thorities of the employee's home agency; and

1 (C) participate as part of the team of per-
2 sonnel working on proposed energy projects,
3 planning, and environmental analyses on Fed-
4 eral lands.

5 (d) ADDITIONAL PERSONNEL.—The Secretary shall
6 assign to each Bureau of Land Management field office
7 identified in subsection (a) any additional personnel that
8 are necessary to ensure the effective approval and imple-
9 mentation of energy projects administered by the Bureau
10 of Land Management field offices, including inspection
11 and enforcement relating to energy development on Fed-
12 eral land, in accordance with the multiple use mandate
13 of the Federal Land Policy and Management Act of 1976
14 (43 U.S.C. 1701 et seq.).

15 (e) FUNDING.—Funding for the additional personnel
16 shall come from the Department of the Interior reforms
17 identified in sections 101, 102, and 201.

18 (f) SAVINGS PROVISION.—Nothing in this section af-
19 fects—

20 (1) the operation of any Federal or State law;
21 or

22 (2) any delegation of authority made by the
23 head of a Federal agency whose employees are par-
24 ticipating in the Project.

1 (g) DEFINITION.—For purposes of this section the
2 term “energy projects” includes oil, natural gas, coal, and
3 other energy projects as defined by the Secretary.

4 **SEC. 132. ADMINISTRATION OF CURRENT LAW.**

5 Notwithstanding any other law, the Secretary of the
6 Interior shall not require a finding of extraordinary cir-
7 cumstances in administering section 390 of the Energy
8 Policy Act of 2005 (42 U.S.C. 15942).

9 **Subtitle D—Judicial Review**

10 **SEC. 141. DEFINITIONS.**

11 In this subtitle—

12 (1) the term “covered civil action” means a civil
13 action containing a claim under section 702 of title
14 5, United States Code, regarding agency action (as
15 defined for the purposes of that section) affecting a
16 covered energy project on Federal lands of the
17 United States; and

18 (2) the term “covered energy project” means
19 the leasing of Federal lands of the United States for
20 the exploration, development, production, processing,
21 or transmission of oil, natural gas, wind, or any
22 other source of energy, and any action under such
23 a lease, except that the term does not include any
24 disputes between the parties to a lease regarding the

1 obligations under such lease, including regarding
2 any alleged breach of the lease.

3 **SEC. 142. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS**
4 **RELATING TO COVERED ENERGY PROJECTS.**

5 Venue for any covered civil action shall lie in the dis-
6 trict court where the project or leases exist or are pro-
7 posed.

8 **SEC. 143. TIMELY FILING.**

9 To ensure timely redress by the courts, a covered civil
10 action must be filed no later than the end of the 90-day
11 period beginning on the date of the final Federal agency
12 action to which it relates.

13 **SEC. 144. EXPEDITION IN HEARING AND DETERMINING THE**
14 **ACTION.**

15 The court shall endeavor to hear and determine any
16 covered civil action as expeditiously as possible.

17 **SEC. 145. STANDARD OF REVIEW.**

18 In any judicial review of a covered civil action, admin-
19 istrative findings and conclusions relating to the chal-
20 lenged Federal action or decision shall be presumed to be
21 correct, and the presumption may be rebutted only by the
22 preponderance of the evidence contained in the adminis-
23 trative record.

1 **SEC. 146. LIMITATION ON INJUNCTION AND PROSPECTIVE**
2 **RELIEF.**

3 In a covered civil action, the court shall not grant
4 or approve any prospective relief unless the court finds
5 that such relief is narrowly drawn, extends no further than
6 necessary to correct the violation of a legal requirement,
7 and is the least intrusive means necessary to correct that
8 violation. In addition, courts shall limit the duration of
9 preliminary injunctions to halt covered energy projects to
10 no more than 60 days, unless the court finds clear reasons
11 to extend the injunction. In such cases of extensions, such
12 extensions shall only be in 30-day increments and shall
13 require action by the court to renew the injunction.

14 **SEC. 147. LIMITATION ON ATTORNEYS' FEES.**

15 Sections 504 of title 5, United States Code, and 2412
16 of title 28, United States Code, (together commonly called
17 the Equal Access to Justice Act) do not apply to a covered
18 civil action, nor shall any party in such a covered civil ac-
19 tion receive payment from the Federal Government for
20 their attorneys' fees, expenses, and other court costs.

21 **SEC. 148. LEGAL STANDING.**

22 Challengers filing appeals with the Department of the
23 Interior Board of Land Appeals shall meet the same
24 standing requirements as challengers before a United
25 States district court.

1 **Subtitle E—Knowing America’s Oil**
2 **and Gas Resources**

3 **SEC. 151. FUNDING OIL AND GAS RESOURCE ASSESSMENTS.**

4 (a) IN GENERAL.—The Secretary of the Interior shall
5 provide matching funding for joint projects with States to
6 conduct oil and gas resource assessments on Federal lands
7 with significant oil and gas potential.

8 (b) COST SHARING.—The Federal share of the cost
9 of activities under this section shall not exceed 50 percent.

10 (c) RESOURCE ASSESSMENT.—Any resource assess-
11 ment under this section shall be conducted by a State, in
12 consultation with the United States Geological Survey.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to the Secretary to carry
15 out this section a total of \$50,000,000 for fiscal years
16 2014 through 2017.

17 **TITLE II—OIL AND GAS LEASING**
18 **CERTAINTY**

19 **SEC. 201. SHORT TITLE.**

20 This title may be cited as the “Providing Leasing
21 Certainty for American Energy Act of 2013”.

1 **SEC. 202. MINIMUM ACREAGE REQUIREMENT FOR ON-**
2 **SHORE LEASE SALES.**

3 In conducting lease sales as required by section 17(a)
4 of the Mineral Leasing Act (30 U.S.C. 226(a)), each year
5 the Secretary of the Interior shall perform the following:

6 (1) The Secretary shall offer for sale no less
7 than 25 percent of the annual nominated acreage
8 not previously made available for lease. Acreage of-
9 fered for lease pursuant to this paragraph shall not
10 be subject to protest and shall be eligible for cat-
11 egorical exclusions under section 390 of the Energy
12 Policy Act of 2005 (42 U.S.C. 15942), except that
13 it shall not be subject to the test of extraordinary
14 circumstances.

15 (2) In administering this section, the Secretary
16 shall only consider leasing of Federal lands that are
17 available for leasing at the time the lease sale oc-
18 curs.

19 **SEC. 203. LEASING CERTAINTY.**

20 Section 17(a) of the Mineral Leasing Act (30 U.S.C.
21 226(a)) is amended by inserting “(1)” before “All lands”,
22 and by adding at the end the following:

23 “(2)(A) The Secretary shall not withdraw any cov-
24 ered energy project issued under this Act without finding
25 a violation of the terms of the lease by the lessee.

1 “(B) The Secretary shall not infringe upon lease
2 rights under leases issued under this Act by indefinitely
3 delaying issuance of project approvals, drilling and seismic
4 permits, and rights of way for activities under such a
5 lease.

6 “(C) No later than 18 months after an area is des-
7 ignated as open under the current land use plan the Sec-
8 retary shall make available nominated areas for lease
9 under the criteria in section 2.

10 “(D) Notwithstanding any other law, the Secretary
11 shall issue all leases sold no later than 60 days after the
12 last payment is made.

13 “(E) The Secretary shall not cancel or withdraw any
14 lease parcel after a competitive lease sale has occurred and
15 a winning bidder has submitted the last payment for the
16 parcel.

17 “(F) Not later than 60 days after a lease sale held
18 under this Act, the Secretary shall adjudicate any lease
19 protests filed following a lease sale. If after 60 days any
20 protest is left unsettled, said protest is automatically de-
21 nied and appeal rights of the protestor begin.

22 “(G) No additional lease stipulations may be added
23 after the parcel is sold without consultation and agree-
24 ment of the lessee, unless the Secretary deems such stipu-

1 lations as emergency actions to conserve the resources of
2 the United States.”.

3 **SEC. 204. LEASING CONSISTENCY.**

4 Federal land managers must follow existing resource
5 management plans and continue to actively lease in areas
6 designated as open when resource management plans are
7 being amended or revised, until such time as a new record
8 of decision is signed.

9 **SEC. 205. REDUCE REDUNDANT POLICIES.**

10 Bureau of Land Management Instruction Memo-
11 randum 2010–117 shall have no force or effect.

12 **SEC. 206. STREAMLINED CONGRESSIONAL NOTIFICATION.**

13 Section 31(e) of the Mineral Leasing Act (30 U.S.C.
14 188(e)) is amended in the matter following paragraph (4)
15 by striking “at least thirty days in advance of the rein-
16 statement” and inserting “in an annual report”.

17 **TITLE III—OIL SHALE**

18 **SEC. 301. SHORT TITLE.**

19 This title may be cited as the “Protecting Investment
20 in Oil Shale the Next Generation of Environmental, En-
21 ergy, and Resource Security Act” or the “PIONEERS
22 Act”.

1 **SEC. 302. EFFECTIVENESS OF OIL SHALE REGULATIONS,**
2 **AMENDMENTS TO RESOURCE MANAGEMENT**
3 **PLANS, AND RECORD OF DECISION.**

4 (a) REGULATIONS.—Notwithstanding any other law
5 or regulation to the contrary, the final regulations regard-
6 ing oil shale management published by the Bureau of
7 Land Management on November 18, 2008 (73 Fed. Reg.
8 69,414) are deemed to satisfy all legal and procedural re-
9 quirements under any law, including the Federal Land
10 Policy and Management Act of 1976 (43 U.S.C. 1701 et
11 seq.), the Endangered Species Act of 1973 (16 U.S.C.
12 1531 et seq.), and the National Environmental Policy Act
13 of 1969 (42 U.S.C. 4321 et seq.), and the Secretary of
14 the Interior shall implement those regulations, including
15 the oil shale leasing program authorized by the regula-
16 tions, without any other administrative action necessary.

17 (b) AMENDMENTS TO RESOURCE MANAGEMENT
18 PLANS AND RECORD OF DECISION.—Notwithstanding
19 any other law or regulation to the contrary, the November
20 17, 2008 U.S. Bureau of Land Management Approved Re-
21 source Management Plan Amendments/Record of Decision
22 for Oil Shale and Tar Sands Resources to Address Land
23 Use Allocations in Colorado, Utah, and Wyoming and
24 Final Programmatic Environmental Impact Statement are
25 deemed to satisfy all legal and procedural requirements
26 under any law, including the Federal Land Policy and

1 Management Act of 1976 (43 U.S.C. 1701 et seq.), the
2 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
3 and the National Environmental Policy Act of 1969 (42
4 U.S.C. 4321 et seq.), and the Secretary of the Interior
5 shall implement the oil shale leasing program authorized
6 by the regulations referred to in subsection (a) in those
7 areas covered by the resource management plans amended
8 by such amendments, and covered by such record of deci-
9 sion, without any other administrative action necessary.

10 **SEC. 303. OIL SHALE LEASING.**

11 (a) ADDITIONAL RESEARCH AND DEVELOPMENT
12 LEASE SALES.—The Secretary of the Interior shall hold
13 a lease sale within 180 days after the date of enactment
14 of this Act offering an additional 10 parcels for lease for
15 research, development, and demonstration of oil shale re-
16 sources, under the terms offered in the solicitation of bids
17 for such leases published on January 15, 2009 (74 Fed.
18 Reg. 10).

19 (b) COMMERCIAL LEASE SALES.—No later than Jan-
20 uary 1, 2016, the Secretary of the Interior shall hold no
21 less than 5 separate commercial lease sales in areas con-
22 sidered to have the most potential for oil shale develop-
23 ment, as determined by the Secretary, in areas nominated
24 through public comment. Each lease sale shall be for an

1 area of not less than 25,000 acres, and in multiple lease
2 blocs.

3 **TITLE IV—MISCELLANEOUS** 4 **PROVISIONS**

5 **SEC. 401. RULE OF CONSTRUCTION.**

6 Nothing in this Act shall be construed to authorize
7 the issuance of a lease under the Mineral Leasing Act (30
8 U.S.C. 181 et seq.) to any person designated for the im-
9 position of sanctions pursuant to—

10 (1) the Iran Sanctions Act of 1996 (50 U.S.C.
11 1701 note), the Comprehensive Iran Sanctions, Ac-
12 countability and Divestiture Act of 2010 (22 U.S.C.
13 8501 et seq.), the Iran Threat Reduction and Syria
14 Human Rights Act of 2012 (22 U.S.C. 8701 et
15 seq.), section 1245 of the National Defense Author-
16 ization Act for Fiscal Year 2012 (22 U.S.C. 8513a),
17 or the Iran Freedom and Counter-Proliferation Act
18 of 2012 (22 U.S.C. 8801 et seq.);

19 (2) Executive Order 13622 (July 30, 2012),
20 Executive Order 13628 (October 9, 2012), or Execu-
21 tive Order 13645 (June 3, 2013);

22 (3) Executive Order 13224 (September 23,
23 2001) or Executive Order 13338 (May 11, 2004); or

1 (4) the Syria Accountability and Lebanese Sov-
2 ereignty Restoration Act of 2003 (22 U.S.C. 2151
3 note).

